IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8607 OF 2005

Urmila Rangrao Patil. ...Petitioner.
Vs.
Kai Rambhau Malgi Samajik Shaikshanik
Lemdra & Ors. ...Respondents.

....

Mr. Sunil Dighe for the Petitioner.
Mr. S.A. Sawant for Respondent Nos.1 and 2.
Mrs. M.P. Thakur, AGP for Respondent No.6.

.....

CORAM : F. I. REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

February 27, 2006.

P.C.

The Petitioner claims that she was appointed against a regular post and that her termination was illegal. The stand of the Respondents was that the Petitioner was not regularly selected. The Tribunal based on the documents on record, came to the conclusion that though the Petitioner's name was shown in the record, yet she had not been regularly appointed. The Tribunal also recorded a finding that some of the documents were procured and in these circumstances, dismissed the appeal against which the present petition.

At the hearing of the Petition, the Learned Counsel submits that the relevant documents which would indicate that the Petitioner was duly appointed on a regular post were not considered by the Tribunal. It is further submitted that in the absence of recording of finding on the documents, the conclusion arrived at by the Tribunal that the documents were fabricated cannot be sustained.

For the Petitioner to claim regular appointment, it is for the Petitioner, prima facie, first to establish that the selection was against the regular post by following due process. In the instant case, all that the Petitioner has set out in the appeal memo was that the Petitioner applied for the post and the Petitioner was duly qualified. The Respondents thereafter appointed her. In answer, the Respondents had averred that the Petitioner was not duly selected. For this Court to consider the plea of the Petitioner, the petitioner had to make out a case that the selection was a regular selection by a regularly appointed Selection Committee and after the post was advertised and the Selection Committee had recommended the name of the Petitioner in terms of the procedure laid down. In the instant case, this was not the case. All that the

Petitioner contended was that she had applied.

Once that be the case, in the absence of establishing that the selection was pursuant to an advertisement and by a Selection Committee, it will not be a fit case for the exercise of our extraordinary jurisdiction. It is immaterial for disposal of the Petition whether the appointment of the contesting Respondent was legal or illegal. It is for the Respondents to consider the nature of appointment while granting approval for the selection by following due procedure. With the above observation, the petition stands disposed of.

(F. I. Rebello, J.)

(Dr.D. Y. Chandrachud, J.)